

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

The Examiner has rejected claims 1-7 and 10 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,333,903 to Suzuki. The Examiner has further rejected claims 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of U.S. Patent Application Publication No. 2002/0025138 A1 to Isobe et al.

The Suzuki patent discloses a disk unit and rotating motor control apparatus for recordable optical disk unit, in which a data synchronizing rotation control unit is included for controlling rotation of a rotating motor in synchronism with a recorded data signal.

The Examiner has indicated that Suzuki discloses the claim limitation "the rotation speed control unit comprises a speed selector for selecting one of at least two speed settings for the read mode in dependence on an actual rotation speed of the record carrier during the write mode when switching from write mode to read mode, the difference in rotation speed between said actual rotation speed and the speed in the read mode being limited by said selection", citing Fig. 13, column 15, lines 14-58, and stating "Suzuki describes that by counting the time in frame, the time setting is automatically shortened when the speed is controlled to a speed which is 2, 4 or 8 times the standard speed, so as to suit

a high recording and reproducing speed. In this case, speed control is the same as speed selection."

As indicated in MPEP §2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants believe that the Examiner is mistaken. In particular, the noted section of Suzuki states:

"FIG. 13 is a functional block diagram showing an embodiment of the construction of an important part of the circuit of the WBL mode. In FIG. 13, the same designations are used as in FIG. 2. FIG. 13 shows a debounce circuit 41, a wobble PLL 42, a speed difference detector 43, a phase difference detector 44, a PWM output circuit 45, amplifiers 46 and 47, and an adder 48.

"As shown in FIG. 13, in the circuit of the WBL mode, a wobble signal input WBLIN and an encoder EFM frame synchronizing signal EEFS are compared by the speed difference detector 43, so as to obtain a speed comparison signal. In addition, the wobble signal input WBLIN and the encoder EFM frame synchronizing signal EEFS are compared by the phase difference detector 44, so as to obtain a phase comparison signal.

"The speed comparison signal and the phase comparison signal are added by the adder 48, and an added result is input to the PWM output circuit 45, so as to generate the signals MPWM, MPWMP and MPWMN.

"Accordingly, in the WBL mode, it is possible to rotate the rotating motor in synchronism with the wobble signal which is the zigzag signal of the guide groove of the CD-R disk.

"In order to carry out the above described switching operation by the CPU, it is necessary to monitor the signal DPLOCK quite frequently, thereby increasing the load on the CPU and making it difficult to rotate the rotating motor at a high speed.

"As a result, it becomes difficult to increase the recording and reproducing speed of the drive unit.

"On the other hand, in this first embodiment, the control mode is automatically switched without having the CPU to carry out the monitoring, and the recording and reproducing speed of the drive unit can be increased.

"In this mode, it is further desirable that the mode is first switched to the DEC mode when both the signal TON which indicates that the light beam is tracking the track on the disk and the signal DPLOCK are active and a predetermined time (for example, 256 EFM frames) has elapsed.

"The EFM frame refers to 1 unit of the data on the disk, and is approximately 136 μ s in the case of the standard speed of the CD.

"By counting the time in frames, the time setting is automatically shortened when the speed is controlled to a speed which is 2, 4 or 8 times the standard speed (1 times speed), so as to suit a high recording and reproducing speed."

Applicants submit that it should be apparent from the above that Suzuki is describing the adjusting of the time setting in dependence on the speed of rotation of the disk. However, there is no disclosure or suggestion of "selecting one of at least two speed settings for the read mode in dependence on an actual rotation speed of the record carrier during the write mode when switching from write mode to read mode, the difference in rotation speed between said actual rotation speed and the speed in the read mode being limited by said selection", Rather, Suzuki merely mentions three different speed settings, i.e., 2, 4 and 8 times the standard speed, but does not indicate that this speed is selected

based on the "actual rotation speed of the record carrier during the write mode when switching from write mode to read mode".

The Isobe et al. publication discloses an apparatus and method for recording and reproducing information, in which the apparatus includes a video encoding unit and a write buffer coupled to receive information from the video encoding unit, and arguably discloses recording a first continuous stream of real-time information via the write buffer and for, at the same time, retrieving a second stream of real-time information by alternating the write mode and the read mode.

However, Applicants submit that Isobe et al. does not supply that which is missing from Suzuki, i.e., "selecting one of at least two speed settings for the read mode in dependence on an actual rotation speed of the record carrier during the write mode when switching from write mode to read mode, the difference in rotation speed between said actual rotation speed and the speed in the read mode being limited by said selection",

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-10, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by /Edward W. Goodman/
Edward W. Goodman, Reg. 28,613
Attorney
Tel.: 914-333-9611